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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No. CR 18-577 CRB
	)	
Plaintiff,	)	UNITED STATES' REPLY IN SUPPORT OF ITS
	)	MOTION <i>IN LIMINE</i> NO. 2: TO ADMIT
v.	)	EVIDENCE OF DR. LYNCH'S CONTROL,
	)	KNOWLEDGE, AND INTENT
MICHAEL RICHARD LYNCH AND	)	
STEPHEN KEITH CHAMBERLAIN,	)	Pretrial Conference: February 21, 2024, 2 p.m.
	)	Trial Date: March 18, 2024
Defendants.	)	

**INTRODUCTION**

The government respectfully submits its Reply in Support of Its Motion *In Limine* No. 2: To Admit Evidence of Dr. Lynch's Control, Knowledge, and Intent.

**REPLY**

When it suited him, Dr. Lynch cultivated an image as "Britain's Bill Gates" and "the doyen of European software." See <https://www.businessinsider.com/the-life-of-mike-lynch-autonomy-hp-2017-5#the-sunday-times-once-referred-to-lynch-as-britains-bill-gates-while-the-financial-times-called-him-the-doyen-of-european-software-26>. In this way, he presented himself as someone who knows more

1 about technology and business than anyone else. He also compared Autonomy to a piranha that could  
2 not show weakness and the Mafia – projecting to his subordinates and the world that he was in charge  
3 and that he demanded loyalty. Now, he argues such analogies lack any relevance to assessing his state  
4 of mind and relative authority within Autonomy. But he concedes that the standard for relevance is  
5 “liberal,” and offers no persuasive reason why his own words and conduct should be excluded under  
6 Federal Rule of Evidence 403.

7 The Court should admit testimony by Joel Scott to the effect that Dr. Lynch said Autonomy was  
8 like the Mafia. In six pages of briefing, Dr. Lynch does not even mention Scott by name, let alone  
9 wrestle with his statements or the context in which they were made. He does not dispute the comments  
10 were made in connection with Dr. Lynch’s “flying the plane” or direction: “think acquisition.” This  
11 silence speaks volumes, and the government submits Mr. Scott will explain how these statements  
12 exemplify how Lynch domineered over Autonomy, demanded loyalty, and exerted firm control.

13 The Court should admit testimony by Alex Marshall to the effect that Dr. Lynch said he runs  
14 Autonomy like the Mafia. In his opposition, Dr. Lynch is equally mute with respect to these statements,  
15 neither mentioning Mr. Marshall by name nor meaningfully engaging with the substance of his  
16 testimony. The defense’s silence on these points is an implicit concession that Scott’s and Marshall’s  
17 statements are probative. While Dr. Lynch today wants to suggest the remarks were “tongue-in-cheek”  
18 and attempts at humor, the jury should be allowed to assess the defendant’s own words and determine  
19 whether they were a bad joke or attempts at control.

20 With appropriate foundation, the Court should also admit testimony about Dr. Lynch dressing as  
21 a Mafioso and lording over sales calls, as evidence of his knowledge of the issues plaguing Autonomy.

22 Finally, beyond rhetoric, Dr. Lynch has no persuasive answer to the relevance of his comparing  
23 Autonomy to a predator like a piranha. Among other things, the evidence reflects a desire on Dr.  
24 Lynch’s part to be perceived – by his subordinates, competitors, and others – as tough, ruthless, cunning,  
25 and powerful. There is no reason to hide his self-promotion. Indeed, beyond the suggestion the  
26 government does not get his humor, Dr. Lynch identifies no prejudice.

**CONCLUSION**

For these reasons, the Court should grant the motion.

DATED: February 7, 2024

Respectfully submitted,

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28 U.S.C. § 515

*Robert S. Leach*

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